

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROBERT ROGALA,	)	
	)	
Plaintiff,	)	Case No.: 08 C 1951
	)	
v.	)	Judge St. Eve
	)	
P.O. R. ORTIZ Star No. 286,	)	Magistrate Judge Keys
P.O. G. CONOBOY Star No. 331,	)	
P.O. J. TADROWSKI Star No. 296,	)	
Individually, and THE CITY OF BERWYN	)	
	)	
Defendants.	)	<b><u>JURY DEMAND</u></b>

**JOINT INITIAL STATUS REPORT**

**1. The Nature of the Case**

A. Attorneys of record

- i. Edward M. Fox, Attorney for Plaintiff, Lead Attorney
- ii. Leslie C. McCoy, Attorney for Plaintiff
- iii. Richard F. Bruen, Attorney for City of Berwyn, Lead Attorney
- iv. Mark H. Sterk, Attorney for City of Berwyn
- v. Robert R. Wilder, Attorney for City of Berwyn
- vi. The individual Defendants have waived service and are in the process of obtaining individual counsel.

B. Basis for Federal Jurisdiction

- i. This action arises under the United States Constitution and 42 U.S.C. § 1983. This court has jurisdiction under and by virtue of 28 U.S.C. Sections 1343, 1331, and 1367.

C. Nature of Claims

- i. Plaintiff's complaint includes civil rights claims for false arrest and excessive force and a state supplemental claim of malicious prosecution. Plaintiff claims he was unlawfully arrested by the individual defendants

for disorderly conduct. Plaintiff claims that the individual Defendants' conduct amounted to excessive force when they tackled and shoved him in the course of his arrest. Plaintiff claims that the individual Defendants and the City of Berwyn thereafter caused the malicious prosecution of Plaintiff to be commenced and claims the charges brought against him were resolved in his favor.

- ii. Defendant City of Berwyn denies that it is liable to Plaintiff and further contends that the Defendant officers had probable cause to arrest and detain Plaintiff; that to the extent that any force was used to effectuate Plaintiff's arrest it was justified and de minimus; that Defendants did not maliciously prosecute criminal charges against Plaintiff; that Plaintiff did not suffer compensable injuries; that the Defendants are entitled to qualified immunity; that the Defendants are immune from liability pursuant to the Illinois Local Governmental Tort Immunity Act

**D. Major Legal and Factual Issues**

- i. Legal and factual issues are whether Defendant officers had probable cause to arrest and detain plaintiff; whether excessive force was used to effectuate his arrest; whether there was probable cause for the criminal proceedings brought against Plaintiff; whether the criminal proceeding were terminated in favor of Plaintiff; whether there was malice on the part of Defendants in prosecuting criminal charges against Plaintiff; whether Plaintiff was injured by any actions of Defendants; and any additional factual and/or legal issues which may be raised as discovery proceeds.

**E. Relief**

- i. Plaintiff seeks general damages, including emotional distress, special damages, and punitive damages.
- ii. Defendant denies that it is liable to Plaintiff for any damages.

**2. Pending Motions and Case Plan**

A. There are no pending motions.

**B. Discovery Plan**

- i. The parties plan to engage in written and oral discovery.

- ii. The parties shall exchange information as required by Fed. R. Civ. P. 26(a)(1) by May 30, 2008.
- iii. The parties propose that all fact discovery should be commenced in time to be completed by November 28, 2008.
- iv. The parties propose that expert discovery commence on December 1, 2008; that Plaintiffs expert designation and Rule 26 expert disclosures be completed by January 2, 2009; and that Defendants' expert designation and Rule 26 disclosures be completed by January 30, 2009. Expert depositions to be completed on or before February 13, 2009.
- v. All potential dispositive motions should be filed within 30 days after the close of all discovery.
- vi. The parties propose that the final pretrial order be filed 30 days prior to trial.

C. Trial

- i. The plaintiff's complaint contains a jury demand.
- ii. The trial is expected to last 3-4 days.
- iii. The parties expect to be ready for trial by April 2009.

**3. Consent to Proceed Before a Magistrate Judge**

- A. The parties do not unanimously consent to proceed before the magistrate judge at this time.

**4. Status of Settlement Discussions**

- A. No settlement discussions have been held. The parties do not request a settlement conference at this time.

Date: May 14, 2008

By: /s/ Leslie C. McCoy  
**Leslie C. McCoy**  
Attorney for Plaintiff  
ED FOX & ASSOCIATES  
300 W. Adams Street, Suite 330  
Chicago, IL 60606  
(312) 345 – 8877

/s/ Richard F. Bruen, Jr.

**Richard F. Bruen, Jr.**

Attorney for Defendant City of Berwyn

ODELSON & STERK, Ltd.

3318 West 95th Street

Evergreen Park, IL 60805

(708) 424-5678

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**NOTICE OF FILING**

To: Richard F. Bruen, Jr.  
Attorney for Defendant City of Berwyn  
ODELSON & STERK, Ltd.  
3318 West 95th Street  
Evergreen Park, IL 60805

**PLEASE TAKE NOTICE** that on May 14, 2008, the undersigned filed with the Clerk of this Court, **JOINT INITIAL STATUS REPORT**, service of which is being made upon you.

s/Leslie C. McCoy  
Leslie C. McCoy  
ED FOX & ASSOCIATES  
300 West Adams, Suite 330  
Chicago, IL 60606  
(312) 345-8877

**PROOF OF SERVICE**

I, Leslie C. McCoy, an attorney, under penalty of perjury, and state that on May 14, 2008, service is being made in accordance with the General Order on Electronic Case Filing section XI.

s/Leslie C. McCoy  
Leslie C. McCoy